



IAP7 Rec'd PCT/PTO 13 JUL 2006

PATENT
81876.0064

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mitsuru FUJII et al.

Serial No: 10/541,518

Filed: July 7, 2005

For: Pattern Formation Device, Pattern
Formation Method and Pattern
Formation System

Art Unit: Not assigned

Examiner: Not assigned

**PETITION UNDER 37 C.F.R. § 1.47(a) FOR
FILING ON BEHALF OF A JOINT INVENTOR
WHO REFUSES TO SIGN**

Mail Stop Petition
Commissioner for Patents
Washington, D.C. 20231

I hereby certify that this correspondence
is being deposited with the United States
Postal Service with sufficient postage as
first class mail in an envelope addressed
to:

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450, on

July 10, 2006

Date of Deposit

Gary Chernyavsky

Name

Signature

7/10/06
Date

Dear Sir:

Applicant respectfully petitions the Office to accept filing of the above-captioned application under 37 C.F.R. 1.47(a) and 35 USC 116, because one of the joint inventors, Jideki KISHI, does not sign the oath/declaration.

As required by MPEP § 409.03, Applicant is complying with the requirements of 37 CFR 1.47 concurrently with the submission of the required signed declaration.

The Declaration is executed by Miyuki Horikawa, patent attorney of Oba & Associates, who was authorized to sign the declaration by the Applicant, and has first hand knowledge of the following facts.

Jideki KISHI's last known address is Ushiku-Cho, Ushiku-sho, Ibaraki 300-1221, Japan.

Mr. KISHI was sent a copy of the required declaration to his last known address on two occasions via registered mail. Copies of the Post Office receipts are attached hereto.

Moreover, Applicant had called Mr. KISHI's last known employer, Device Nanotech Research Institute Inc., but was unsuccessful in reaching Mr. KISHI.

The above fact establishes that the join inventor Jideki KISHI has refused to join in the application.

Also enclosed herewith is a declaration listing all joint inventors, including the non-signing joint inventor, signed by all available joint inventors on their own behalf and on behalf of the non-signing joint inventor.

Applicant submits herewith the fee (\$130) set forth in § 1.17(i).

The Commissioner is hereby authorized to charge any deficiency in payment or credit any overpayment to Deposit Account No. 50-1314. A copy of this Transmittal is enclosed.

Enclosures:

Response to Notice to File Missing Parts including:
Declaration signed by Miyuki Horikawa
Petition for Extension of Time for 2 month(s)
Copy of the Notice To File Missing Parts Post Office Receipt for
Correspondence with Mr. KISHI

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Date: July 10, 2006

By: 

Lawrence J. McClure

Registration No. 44,228

Attorney for Applicant(s)

500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Phone: 213-337-6700
Fax: 213-337-6701

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01 FC:1617

130.00 OP



DECLARATION OF MIYUKI HORIKAWA IN SUPPORT OF
PETITION REGARDING APPLICATION NO. 10/541,518 ON BEHALF OF
AN INVENTOR REFUSE TO JOIN (37 C.F.R SECTION 1.47(a))

Honorable Commissioner of
Patents and Trademarks
Alexandria, VA 22313-1450

Dear Sir:

I, Miyuki HORIKAWA, declare:

1. I am the representative in Japan of the SCIVAX CORPORATION ("SCIVAX"), ASSIGNEE the of above-referenced application.
2. I diligently attempted without success to contact Hideki KISHI ("KISHI") by registered mail in three different occasions in regard to the filing and prosecution of the patent application. To that end, I sent separate copies of the application (specification, claims, drawings and declaration) and cover letters of instructions (Exhibit A) explaining the need for Mr. KISHI's participation in its preparation to him via registered mail to the addresses shown below on August 11, 2005, March 24, 2006 and June 26, 2006 .

Ushiku-Cho, Ushiku-shi,
Ibaraki 300-1221, Japan
3. The above address was provided to me by Mr. Tatsushi GOCHO, managing director of SCIVAX Corporation, as the last known residence addresses for Mr. KISHI. The letters to Mr. KISHI were NOT returned. True and correct copies of the receipts of the August 11, 2005, March 24, 2006 and June 26, 2006 mail to Mr. KISHI are attached as Exhibits "B", "C" and "D" hereto.
4. Moreover, I have called Mr. KISHI's last known employer, Device Nanotech Research Institute Inc., but was unsuccessful in reaching Mr. KISHI. The information of the last known employer was provided to me by Mr. Tatsushi GOCHO, SCIVAX Corporation.

5. In addition, I attempted without success to find Mr. KISHI's telephone number, by applying a service for searching a desired telephone number for a charge, provided by Nippon Telegraph and Telephone East Corporation.
6. Moreover, I attempted without success to obtain Mr. KISHI's recent information, by conducting a patent search using the database of JAPAN PATENT OFFICE.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. I make the statement set forth above, of my own personal knowledge and, if called upon to do so, could testify competently thereto. I acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. §1001) and may jeopardize the validity of the Application and any corresponding patent.

Executed at Tokyo, Japan, on July 6, 2006.



Miyuki HORIKAWA
Oba & Associates



Exhibit A

August 11, 2005

Hideki KISHI, Esq.

**Re: Power of Attorney, Declaration and Assignment
needed for the U.S. phase entry for PCT/JP03/015731**

We would like to enclose the following documents in connection with the above-mentioned case where Mr. KISHI is one of the inventors:

- WO publication of PCT/JP03/015731 including specification, claims, drawings, and abstract,
- Assignment to be filed before the USPTO,
- Declaration and power of attorney for patent application to be filed before the USPTO, and
- Return envelope.

We would ask you to execute attached declaration and power of attorney and assignment and return by August 26 (Friday), 2005. Thank you in advance for your cooperation.

Sincerely yours,

Miyuki Horikawa
Patent Attorney

Oba & Associates
KM Building 8th Floor
1-4-3, Iwamoto-cho, Chiyoda-ku, TOKYO 101-0032 JAPAN
TEL: +81-3-5821-2720 FAX: +81-3-5821-2721

March 24, 2006

Hideki KISHI, Esq.

**Re: Power of Attorney, Declaration and Assignment
needed for the U.S. phase entry for PCT/JP03/015731**

We would like to enclose the following documents in connection with the above-mentioned case where Mr. KISHI is one of the inventors:

- WO publication of PCT/JP03/015731 including specification, claims, drawings, and abstract,
- Assignment to be filed before the USPTO,
- Declaration and power of attorney for patent application to be filed before the USPTO, and
- Return envelope.

We would ask you to execute attached declaration and power of attorney and assignment and return by April 3 (Monday), 2006. Thank you in advance for your cooperation.

Sincerely yours,

Miyuki Horikawa
Patent Attorney

Oba & Associates
KM Building 8th Floor
1-4-3, Iwamoto-cho, Chiyoda-ku, TOKYO 101-0032 JAPAN
TEL: +81-3-5821-2720 FAX: +81-3-5821-2721

June 26, 2006

Hideki KISHI, Esq.

**Re: Power of Attorney, Declaration and Assignment
needed for the U.S. phase entry for PCT/JP03/015731**

We would like to enclose the following documents in connection with the above-mentioned case where Mr. KISHI is one of the inventors:

- English specification, claims and drawings of PCT/JP03/015731,
- WO publication of PCT/JP03/015731,
- Assignment to be filed before the USPTO,
- Declaration and power of attorney for patent application to be filed before the USPTO, and
- Return envelope.

We would ask you to execute attached declaration and power of attorney and assignment and return by July 3 (Monday), 2006. The due date for filing declaration and power of attorney is approaching, therefore, your cooperation on this matter would be highly appreciated.

Sincerely yours,

Miyuki Horikawa
Patent Attorney

Oba & Associates
KM Building 8th Floor
1-4-3, Iwamoto-cho, Chiyoda-ku, TOKYO 101-0032 JAPAN
TEL: +81-3-5821-2720 FAX: +81-3-5821-2721

書留・配達記録郵便物受領証(お客様控)

(差出人の住所氏名) 大場国際特許事務所					様 簡 易 書 留
〒100-0001 東京都千代田区千代田1-4-3 KMBビル3階 TEL: 03-5821-2720 FAX: 03-5821-2721					
受取人の氏名	引受番号	郵便料	申出損害要償額	郵便局	
岸 英樹 様	316-03 221941	490			
様					
様					

ご注意 この受領証は、損害賠償の請求をするときその他の場合に必要です。大切に保管してください。
簡易書留の損害賠償額は、原則として5万円を限度とする実額額です。
摘要欄: カン(簡易)、キヨ(配達記録)、ソク(速達)、ハイ(配達証明)の記号
ナイ(内容証明)、トク(特別速達)、ダイ(代金引換)
ジ(引受時刻証明)、シテ(配達日指定)
配達状況がわかります。フリーダイヤル 0120-232886
インターネット <http://www.post.japanpost.jp>

17.8.11 12-15

Exhibit B

書留・配達記録郵便物受領証(お客様控)

(差出人の住所氏名) 大場国際特許事務所 様				
〒101-0032 東京都千代田区岩本町1-4-3 KMビル8階 TEL: 03-5821-2720 FAX: 03-5821-2721				
受取人の氏名	引受番号	郵便料	申出損害要償額	摘要
岸 英樹 様	400-03 35983-350			
様				
様				

ご注意 この受領証は、損害賠償の請求をするときその他の場合に必要ですから大切に保存してください。
 簡易書留の損害賠償額は、原則として5万円を限度とする実損額です。
 摘要欄: カン(簡易)、キロ(配達記録)、ソク(速達)、ハイ(配達証明)の記号 ナイ(内容証明)、トク(特別送達)、ダイ(代金引換) ジ(引受時刻証明)、シテ(配達日指定)
 配達状況がわかります。フリーダイヤル 0120-232886
 インターネット <http://www.post.japanpost.jp>

18.3.24
12-18 郵便局

Exhibit C

書留・配達記録郵便物受領証(お客様控)

(差出人の住所氏名)		大場国際特許事務所 様		
		〒101-0032 東京都千代田区岩本町1-4-3 KMビル8階 TEL: 03-5821-2720(代) FAX: 03-5821-2721		
受取人の氏名	引受番号	郵便料	申出損害要償額	摘要
山岸 英樹 様	40012 137460	780		⑦
様				
様				

ご注意 この受領証は、損害賠償の請求をするときその他の場合に必要です。大切に保存してください。
 簡易書留の損害賠償額は、原則として5万円を限度とする実損害額です。
 摘要欄: カン(簡易)、キロ(配達記録)、ソク(速達)、バイ(配達証明)の記号
 ナイ(内容証明)、トク(特別送達)、ダイ(代金引換)、ジ(引受時刻証明)、シテ(配達日指定)
 配達状況がわかります。フリーダイヤル 0120-232886
 インターネット <http://www.post.japanpost.jp>

2008.12.11
 郵便局

Exhibit D